

NEW JERSEY MILITIA NEWSLETTER

Volume VI, Issue No. X

A Monthly Newsletter

April, 2001

All persons are by nature free and independent, and have certain natural and unalienable rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing, and protecting property, and of pursuing and obtaining safety and happiness. -- Article 1, Section 1. New Jersey State Constitution

Can Soldiers Be Peace Officers? The Waco Disaster And The Militarization of American Law Enforcement

By David B. Kopel and Paul M. Blackman
Excerpt II

Ed.: Last month we ran Part I (Introduction), Part II (The Posse Comitatus Act) and some of Part III (The Drug War Loophole in the Posse Comitatus Act). We pick up where we left off in The Drug War Loophole in the Posse Comitatus Act:

A. The Drug Claims as a Pretext for Federal Intervention at Waco

As part of the planning for the Waco raid, BATF went to the [Department of Defense's] Joint Task Force Six (JTF-6), which covers Texas, and asked for training, medical, communications, and other support. The JTF-6 staff explained that they could only be involved if the case were a drug case. [Joint Hearings, supra note 3, part 1, at 400. Maj. Gen. John M. Pickler: "If it were not for some kind of drug connection, we would not have been participants...." Rep. Bill McCollum: "But this particular unit was not, under the rules of the Army or DOD, permitted to give training to anybody that did not have a drug support connection like this; is that right? If it had not been for the drug support, your particular unit would not have been permitted to train them?" Gen. Pickler: "That is correct, sir." Witnesses representing the Defense Department who emphasized in testimony that no active-duty military personnel were present or participants in the BATF raid on February 28, 1993 included. Asst. Defense Sec. H. Allen Holmes, Gens. John M. Pickler and Walter B. Huffman, Lt. Col. Philip Lindley, Maj. Mark Petree, Sgt. Steve Fitts, Sgt. Robert W. Moreland, and Chris Grain, U.S. Army Special Operations Command (Fort Bragg, N.C.). Id. At 345-410.] If the case were not a drug case, BATF could obtain assistance from other parts of the military, but would have to pay for it.

Immediately thereafter, BATF asserted that the Waco case was a drug investigation;

Branch Davidian prophet David Koresh was supposedly running a methamphetamine laboratory. [U.S. Dept. of The Treasury, Bureau of Alcohol, Tobacco, and Firearms Investigation of Vernon Wayne Howell Also Known as David Koresh 212 (1993) [hereinafter Treasury Report]]. The military should have known that the drug claim was merely a guise; BATF came up with the allegation only after being told of the benefits of such an allegation. In addition, the military prepared a memorandum for BATF on methamphetamine labs, and the precautions essential for dealing with such a lab. However, when the paper was presented to BATF agents, they openly ignored the information in front of the soldiers who prepared it. Further, agents from the civilian Drug Enforcement Agency (DEA) who were assisting BATF also expressed no concerns about how BATF was addressing the risks of a meth lab in its operational planning, which similarly should have indicated to the military that the allegation was a mere pretext.

With this knowledge, JTF-6 signed onto the mission of "training a National Level Response Team [BATF strike-force] for Counter Drug operations," in "Support of BATF Takedown of Meth Lab." [Frago "E" Oorder, Feb. 14, 1993; Memorandum for Record by Lt. Col. Douglas C. Andrews, Deputy Staff Judge Advocate, (no date, most of text redacted, on file with the *Akron Law Review*). At the raid itself, in addition to BATF personnel, there were representatives from the Immigration and Naturalization Service, and one agent from the Drug Enforcement Administration. [Hearing, supra note 13, at 164]. According to documents received from the U.S. Special Operations Command under Freedom of Information Act requests, the Joint Training operation (JT002-93) was approved due to a request from BATF dated February 2, 1993, requesting U.S. and Texas National Guard assistance in serving a federal search warrant "to a dangerous extremist organization

believed to be producing methamphetamine." [Maj. Gen. John M. Pickler testified that the request for military assistance came from both the Houston office and the Washington headquarters of BATF. Joint Hearings, supra note 3, part 1, at 360.] The Army assistance at Waco would supposedly be "in direct support of interdiction activities along the southwest border." (Notwithstanding the fact that Waco is approximately 300 miles from the southwest border. Moreover, the original claim was that Koresh was manufacturing methamphetamine, not that he was importing it from Mexico.) [The briefing of the Texas National Guard was to William R. Enney, Interagency Coordinator, Counterdrug Support. Hearing, supra note 13, at 164]. Had BATF actually been planning to take down a methamphetamine lab, its plans would have been far different. Testimony at the 1995 congressional hearings indicated the potential dangers of an explosion if a meth lab is not taken down properly. For instance, because a stray bullet could cause a major explosion, a "dynamic entry" (a violent break-in, the BATF's method of "serving" the Waco search warrant) would be an extremely risky, disfavored approach. [See Joint Hearings, supra note 3, at 400. Rep. John Shadegg (R-Ariz.): Did the ATF ever, to your knowledge, express any concern about the dangers that were presented by a methamphetamine lab? Sgt. Fitts: Not to my knowledge, no, sir. -- Rep. Shadegg: ...and the dangers that were exposed as a result of a lab being there? Sgt. Fitts: No, sir. Nothing in the misconduct would indicate that. -- Rep. Ed Bryant (R-Tenn.): ...I understand you were assigned to draft a plan under the contingency that ...there was a methamphetamine lab in there and what should occur in case there was an

accident. Sgt. Fitts: My planning for the ATF did not include a methamphetamine lab. -- Rep. Bryant: ...there is a higher risk of danger, is there not, to ...using a dynamic entry into a facility that has a methamphetamine laboratory in it? Sgt. Fitts: Yes, sir. -- Rep. Bryant: And the risks...if there were a bullet shot into it...cause of it to explode, it could be a danger especially to children, to older people, to people around it? Sgt. Fitts: I think there would be a danger to all people, regardless of age. Id. Similar testimony was provided by John Coonce of the Drug Enforcement Agency. Id. at 311-12]. In addition, the chemicals involved in methamphetamine production are toxic, capable of injuring lungs, skin, liver, kidneys, the central nervous system, and potentially causing genetic damage.

DEA protocol for seizure of meth labs requires that agents wear special clothing and bring other specialized equipment. BATF not only made no such plans, but made express advance plans to use flashbang grenades--grenades which could set off a massive explosion in a real meth lab. When requesting flashbangs for use in the raid, BATF omitted mention of any possible presence of a meth lab. Had BATF really thought there were a drug lab at Mount Carmel, BATF should have taken advantage of the DEA offer of assistance by a DEA Clandestine Certified Laboratory Team. But the offer was rejected.

When JTF-6 was not looking, BATF did not even bother to pretend that drugs were involved. Notably, the initial warrant application included nothing regarding drug law violations--even though the presence of a drug lab would have given BATF clear legal authority to search for the presence of any type of firearm (not just machine guns and explosives, which were the target of the search warrant), and even though the warrant affidavit threw in all sorts of other unsubstantiated allegations about Koresh. [Even if the drug allegations had been sincere, they would have provided no justification for conducting a "no-knock" raid to prevent the destruction of evidence. It is rather difficult to flush a methamphetamine lab down the toilet, and the Branch Davidians did not have flush toilets. See David G. Bromley and Edward D. Silver, "The Davidian Tradition: From Patronal Clan to Prophetic Movement", in *Armageddon in Waco: Critical Perspectives on the Branch Davidian Conflict* 43, 55 (Stuart A. Wright ed., 1995)]. After the February 28, 1993, BATF raid was repulsed, BATF sought and obtained a second warrant expanding the authorized scope of the search of Mount Carmel. Even the second warrant application did not include allegations of illegal drug activity.

Yet even after the botched raid, BATF still tried to use the drug claim to receive free military support. Richard L. Garner, Chief, BATF Special Operations Division, wrote to the Pentagon on February 28, 1993, asking for additional assistance related to "an on-going investigation in Waco, Texas involving apparent drug and firearms violations." [Garner, Chief,

Special Operations Division, BATF, to Headquarters, Department of the Army (Feb. 28, 1993) (on file with the *Akron Law Review*)]. Although BATF maintained the pretense into late March, the Army was slowly recognizing the obvious. As of late March, [as reported by James L. Pate, "Waco's Defective Warrants: No Probable Cause For Raid on Ranch Apocalypse", *Soldier of Fortune*, Aug. 1993, at 46, 48] the Army had come to believe that its assistance to BATF and the FBI would be reimbursed as is required when there is no drug nexus ["Approval of Request for Helicopter Support to the FBI and Bradley Fighting Vehicle Support to the Bureau of Alcohol, Tobacco, and Firearms (BATF)" by Lt. Col. Paul G. Marksteiner, (Feb. 28, 1993); Memorandum for Record, for the Acting Assistant Secretary of the Army Michael W. Owen by Major Alexander S. Wells (March 25, 1993) (on file with the *Akron Law Review*)]. By May 15, 1993, the military suspected the possibility that "drug-connection was overstated to secure cost-free SOF training and assistance. No mention of drugs in public media." [From the mass of documents the Treasury Department eventually provided to the subcommittees investigating Waco, Rep. John Shadegg read into the record from an unsourced document with a stamp marked "A00010228": "The use of the National Guard was a scam...this was a scam initiated by Bureau [BATF] headquarters...in my opinion, to obtain the additional resources of the National Guard, air support assistance, etc." Joint Hearings, supra note 3, part 1, at 379].

The drug enforcement exception to the Posse Comitatus Act has been very effective at undermining the honesty of law enforcement personnel, who are encouraged to allege a drug nexus in many investigations for the purpose of getting, gratis, federal military assistance. [Most of the military assistance--including training, equipment, and expert advice--can be provided as long as there is reimbursement. But "the military is not to be involved in arrest, search or seizure or similar activities such as stop and frisk." Id. at 352 (testimony of Gen. Walter Huffman). Further, there are certain units in the military, including JTF-6, which are geared toward drug-law enforcement and which would not get involved in assisting general law enforcement even with reimbursement. Id. at 400 (testimony of Gen. Pickler).] The U.S. Marshals Service claimed a possible drug problem involved with the Randy Weaver family at Ruby Ridge, Idaho in order to get military reconnaissance flights over the cabin, which revealed no evidence of drugs. [Hearing of the Senate Judiciary Comm., Terrorism, Technology, and Gov't Inf. Subcomm., Federal Raid in Ruby Ridge, Idaho, 104th Cong. 1st Sess. 54 (1995); Interview of Herb Byerly, Special Agent, Bureau of Alcohol, Tobacco and Firearms, Feb. 20, 1991 (transcript on file with the *Akron Law Review*)].

According to an anonymous JTF-6 employee, JTF is often aware that civilian agencies are fabricating a pretext for military involvement, but, "the JTF doesn't even care, because there is little or no oversight involved. There's no independent authority looking over anyone's shoulder." [James L. Pate, "No Peace Without Justice," *Soldier of Fortune*, May 1995, at 58, 81].

What was the basis for the claim that David Koresh was running a drug lab? First, one person associated with the Branch Davidians had been convicted of using drugs, and was paroled to McLennan County (Waco), Texas. [Application and Affidavit for Search and Arrest Warrants for Vernon Wayne Howell and the Residence of Vernon Wayne Howell, and others (Waco, Tex., Feb. 25, 1993) (filed by BATF agent, Davy Aguilera), available at <http://www.shadeslanding.com/firearms/read6.html>]. Second, ten Branch Davidians had been arrested or investigated for some "drug activity" at some time in their lives, apparently with no convictions. [Treasury Report, supra note 25, at 212.]

In the mid-1980s, after the death of Branch Davidian prophet Lois Roden, there had been a schism in the Branch Davidians between the followers of George Roden (Lois Roden's son) and the followers of David Koresh (who thought him Lois Roden's proper successor). George Roden took over the Branch Davidian's "Mount Carmel Center" at Waco, and drove Koresh's followers away at gunpoint. Roden, currently confined in an institution for the criminally insane, did in fact set up a meth lab. But in March 1988, when Roden was sent to jail on unrelated charges and Koresh's group took back the Mount Carmel Center, they found the meth lab, and promptly reported it to the sheriff. [Dick Reavis, *The Ashes of Waco: An Investigation* 82 (1995). Branch Davidian David Thibodeau stated: "There was absolutely no drugs at Mount Carmel, period, other than alcohol...." Joint Hearings, supra note 3, part 1, at 125].

The fall 1993 Treasury Department report on the BATF raid on the Branch Davidians insisted that the investigation of alleged drug use was valid. Treasury reasoned that the sheriff's office had planned to collect the lab equipment but found no record it had done so, "raising the possibility that the illegal equipment might still have been at the Compound." [Treasury Report, supra note 25, at 212. Social worker Joyce Sparks, no fan of Koresh's, had told the BATF investigators: "David Koresh explained to me that the previous prophet had been involved in drugs, had a lab there, and [Koresh] said he had given that

material—the needles and the drugs book explaining how to make drugs—he'd given that all to the sheriff's department in McLennan County." Joint Hearings, supra note 3, part 1, at 611 (responding to a question by Rep. Steve Chabot). See also Committee Report, supra note 22, at 46].

The Treasury Report ignores the fact that Marc Breault (a disaffected ex-Davidian), the source for BATF's information that there had once been a meth lab at Mount Carmel, simultaneously told BATF agent Davy Aguilera that the building in which the meth lab was housed had burned down in Spring 1990. Koresh was thoroughly anti-drug, and it is improbable that he would have started operating a methamphetamine lab after telling the sheriff about its presence.

The limit of the Treasury criticism was that there should be clearer standards about what constitutes a drug nexus, and that BATF probably should have told the Texas National Guard (which can only be used when there is a drug nexus) more than a day in advance that their pilots might be shot at. Treasury noted, accurately, that BATF could have had just as much military assistance without any alleged drug nexus had it been willing to reimburse the Defense Department although the assistance could not have come from JTF-6, and the Texas National Guard could not have been used.

**Next month: Military Support for
BATF**

N.J. Militia Contacts Union County Police

Cranford Township Says No

(Trenton, NJ) – In response to a political attack during the last election NJ militiamen delivered flyers to 21 Union County police stations, including the Union County police department. The flyers reminded police officers of Superior Court Judge Farren's 1996 ruling that New Jersey's assault weapons ban is unconstitutional, and warned police to beware the Union County politician who attacked the militia for political gain. Police reaction ranged from "Cool" to "Thank you" to "We'll look at it" to silence. One department, however, refused the militia handouts altogether, as the following letter explains.

Chief of Police
8 Springfield Ave.
Cranford, NJ 07016

Dear Chief,

The New Jersey militia attempted to deliver some flyers to the Cranford police station about noon March 25, but the female dispatcher on duty refused to accept them. Hopefully higher authority has a different attitude and may possibly permit the officers for whom the flyers were intended to actually read them.

Sincerely,

/s/

For the New Jersey militia

Along with the letter the militia enclosed "Purpose and Goals" and "Former Prosecutor Attacks Militia" flyers.

Ed.: If any of our readers know any UC police officers feel free to copy the "Former Prosecutor Attacks Militia" flyer and send them a copy. Police administrators may have failed to distribute them.

Media's Anti-Gun Bias Documented

WASHINGTON, DC -- The media's anti-gun bias is showing loud and clear as the latest high school shooting (two dead in California) is plastered all over every front page in America -- while a murderous college car rampage (four dead in California) was virtually ignored, charge Libertarians.

"A disturbed California high school student kills two classmates and wounds 13 with a gun, and it's front-page news," said George Getz, the Libertarian Party's press secretary. "A disturbed California college student kills four classmates and critically injures another by deliberately driving his car into a crowd, and it's a minor blurb in newspapers and a 10-second clip on the news."

"What's the explanation for this, unless journalists are almost 100% opposed to the Second Amendment -- and eager to jump on any opportunity to demonize guns and exploit gun-related tragedies, while ignoring other, equally horrific, crimes?"

Why was one a major story in the eyes of journalists -- and the other an afterthought? The only plausible explanation is media bias, said Getz.

Unfortunately, the Santana High School coverage isn't the only example of the hostility the media has towards gun rights, said Getz.

In January, the Media Research Center released the results of a two-year study examining how the four major networks covered gun-related news stories.

The study, "Outgunned: How the Network News Media are Spinning the Gun Control Debate," analyzed 635 stories on gun policy by ABC, CBS, CNN, and NBC. It found that stories with an anti-gun perspective outnumbered pro-gun stories by 357 to 36 -- a 10-to-1 ratio. Another 260 stories were classified as neutral.

Such a pattern is troubling -- not just for the Second Amendment, but for the First Amendment, too, said Getz.

"Libertarians are distressed by the media's anti-gun bias, but we recognize journalists' right to broadcast whatever they want," he said. "However, journalists need to understand that when they attack one basic right, they attack all rights; when they give politicians more power in one area, they give politicians more power in all areas. That's a lesson journalists need to learn before it's too late."

Quotations from Would-be Rulers of the New World Order

"If there are those who think we are to jump immediately into a new world order, actuated by complete understanding and brotherly love, they are doomed to

disappointment. If we are ever to approach that time, it will be after patient and persistent effort of long duration. The present international situation of mistrust and fear can only be corrected by a formula of equal status, continuously applied, to every phase of international contacts, until the cobwebs of the old order are brushed out of the minds of the people of all lands." -- Dr. Augustus O. Thomas, president of the World Federation of Education Associations (August 1927), quoted in *International Understanding: Agencies Educating for a New World* (1931)

* * *

"... when the struggle seems to be drifting definitely towards a world social democracy, there may still be very great delays and disappointments before it becomes an efficient and beneficent world system. Countless people ... will hate the new world order ... and will die protesting against it. When we attempt to evaluate its promise, we have to bear in mind the distress of a generation or so of malcontents, many of them quite gallant and graceful-looking people." -- H. G. Wells, in his book *The New World Order* (1939)

* * *

"The term Internationalism has been popularized in recent years to cover an interlocking financial, political, and economic world force for the purpose of establishing a World Government. Today Internationalism is heralded from alluring names as the 'New International Order', 'The New World Order', 'World Union Now', 'World Commonwealth of Nations', 'World Community,' etc. All the terms have the same objective; however, the line of approach may be religious or political according to the taste or training of the individual." -- Excerpt from "A Memorial to be Addressed to the House of Bishops and the House of Clerical and Lay Deputies of the Protestant Episcopal Church in General Convention" (October 1940)

From the Fax...

To those of you who do not remember Bob Starr, an innocent militiaman from Georgia set up in 1996 by the National Socialist terrorist organization BATF, Bob was seeking peaceful resolutions to the situation in America -- yet he was not hesitant about the reality that he may have to resort to arms in defense of this once great nation. So BATF admittedly planted "illegal" components such as electrical wiring on Bob's property.

Bob Starr is now a POW under the control of the National Socialist UN-just system. His February 28 appeal was

lost and he remains in Federal prison. He, and his family, need your prayers and any help you may be able to send them.

Thanks to Mr. XX and Mr. YY for monitoring Bob Starr's situation and keeping the rest of us informed. There are thousands of innocent American POWs in National Socialist prisons now. – It's time for us to show we care. Mrs. Starr's address is:

Mrs. Octavia Starr
1819 Lincoln Rd.
Macon, GA 331211

I hope I get to see God pass judgment on Clinton and Reno and the rest of the NWO weasels!

Good-day, American Patriot

Good-day, American Patriot,

Through this letter the New Jersey Committee of Safety and the Texas Committee of Safety are endeavoring to establish Committees of Safety in as many states as possible.

Through this new avenue of approach, which is an old but very effective idea, the Committees of Safety will have the great opportunity of working in unity for a common goal, freedom and justice.

The very first mission for the Committees of Safety is that of addressing the nation's foremost problem. Through a massive campaign to abolish the Federal Reserve System generated by the Committees of Safety we will bring forth an all out effort to hold Congress directly responsible for economic treason against our country.

The abolish the Federal Reserve movement will not stimulate every individual's thinking, for as you well know most people care less of what happens to them through the political world. Nor will it be designed to have those overpaid public servants out of office.

However, the nature of this mighty movement is to inform Congress that we Americans are on the march to take back what is rightfully and lawfully ours, freedom from an oppressive unlawful monetary system.

Realizing that many noble attempts have been made in the past to rid our country of its economic slavery, and unfortunately all have fallen short of its goal, I feel confident that working through Committees of Safety we will have the greatest potential of achieving the impossible.

Please consider this avenue of approach.

In the cause for freedom,
Earl G. Dickey

Ed.: Check out
www.committees.org/njcos and /txcos

Congress's Greatest Violation against the People

Social justice has been disrupted by Congress in the following manner:

(1) Congress was vested the power to regulate our monetary system, Art. 1, Section 8, Clause 5, United States Constitution. In 1913

Congress betrayed the American people and our nation when it transferred its responsibility over to a private corporation called the Federal Reserve Bank. *Every Congress since 1913 has allowed this violation to continue!*

(2) The Federal Reserve, which is not federal, has created a continuous state of war against we the people. A state of war is any attempt by anyone or any group to gain absolute power and control over the individual or nation thus enslaving them by destroying their right to self preservation.

(3) The control that the privately owned Federal Reserve has over the people of our nation and the nation itself is obtained through the process of fractional banking. In brevity, fractional banking is creating money out of nothing. Thus it charges our nation interest on the currency it creates from absolutely nothing! Our nation has been deliberately driven into perpetual indebtedness by the privately owned Federal Reserve. It owns America!!

(4) The 20th president of the United States, James A. Garfield indicated, "Whoever controls the volume of money in any country is absolute master of all commerce and industry."

(5) Through this aggressive monetary system the people of our nation has been and will continue to be oppressed, for this unconstitutional banking system has nullified the "promote the general welfare" clause found in the preamble of our Constitution. In essence this clause is intended to restrict the government to its proper functions, such as, regulating our monetary system, and in doing so, it protects and promotes the blessings of liberty!

(6) Directly from the mother's womb, each and every new born baby is shackled to the miserable chains of monetary slavery owing thousands upon thousands of debt dollars to that private banking house, the Federal Reserve. Thus, when the child becomes of working age, the fruits of its labor are confiscated from the paycheck by the collection agency of the Federal Reserve, the Internal Revenue Service. Millions upon hundreds of millions of dollars are owed in interest alone!!!

(7) It does not take much to reason, if our nation continuously borrows money into existence, a loan, and the chances of paying this loan off are none, it could be said without hesitation that we the people and our nation thanks to Congress, have become slaves to the lender.

(8) True prosperity will only return to our nation once this private banking house is dissolved and [Federal Reserve Notes are] replaced with United States dollars Congress may not have the fortitude to to abolish this private bank, but it has the authority to do so through Section 31 of the Federal Reserve Act.

(9) The time has come to demand of the public servant to end their treasonous activities against the economics of our nation and to order them at once to take charge of the

monetary system under the law, the United States Constitution.

(10) If they fail to uphold the law, treason against the spirit of liberty is being committed!!

American, *now* is the time to take a determined stand and let freedom ring!!! We cannot accept any more bondage from a corrupt institution which brings about booms, bust, high interest, low interest, wars, recessions and depressions. In short, we must stop this unlawful system from manipulating all of our lives!!

Join the movement to abolish the Federal Reserve System.

Contact your state's Committee of Safety.

--Texas Committee of Safety

Warrantless Random Searches OK with Utah Highway Patrol

In a February 4, 2000, Utah Supreme Court case Associate Chief Justice Christine Durnham poignantly argued that: *"Broad-based, suspicionless inquiries are reminiscent of the much hated and feared general warrants issued by the British Crown in colonial days, where British officers were given blanket authority to search wherever they pleased and for whatever might pique their interest. It was precisely this type of activity that the Fourth Amendment was designed to prohibit. Indeed, the use of general warrants was an important factor giving rise to the American Revolution. This state's early settlers were themselves no strangers to the abuses of general warrants ... A free society cannot tolerate such a practice."*

These eloquent words fell on deaf ears in Utah's law enforcement community. Exactly one month to the day of this Supreme Court decision, the Utah Highway Patrol operated another dragnet traffic checkpoint between Salina and Sigurd in Sevier County in blatant violation of the Supreme Court's decision. The UHP officer in charge even ordered reporters to leave the search area, stating, "No media is welcome here ... This is for troopers and officers only. This is a work area; we don't necessarily want anybody else here."

Making Government Immune from Law, or the Resurrection of King James II

In a ruling devastating for justice, fair play and the rule of law, the 10th Circuit Court of Appeals has ruled (9-to-3) that the laws of the United States do not apply to officers and agents of the government unless Congress specifically designates that the law applies to the government. *"Statutes of general*

purport do not apply to the United States unless Congress makes the application clear and indisputable," says the court, citing a 1873 case that "it is a familiar principle that the King is not bound by any act of Parliament unless he be named therein by special and particular words."

At dispute in the case, *Singleton v. U.S.*, is the federal statute that specifies punishment for "whoever" promises anything of value to a witness in exchange for testimony for or against another person. Under the normal reading of the statute, prosecutors who promise defendants reduced sentences in exchange for testimony against others are violating the prohibition.

According to the majority opinion, federal prosecutors are not bound by the law against bribing witnesses, because they serve as alter ego for the government and "the word 'whoever' connotes a being," whereas "the U.S. is an inanimate entity, not a being. The word 'whatever' is used commonly to refer to an inanimate object. Therefore, construing 'whoever' to include the government is semantically anomalous."

In other words, "whoever" doesn't mean "whoever" if the "whoever" is an officer of the government. This Clintonesque word-play is necessary because, as *the court acknowledges*, ***"no practice is more ingrained in our criminal justice system than convicting people with purchased testimony."***

Faced with an emptying of the prisons, the court ruled that the U.S. government is not a government accountable to law, but a "sovereign" above the law.

Prosecutors have found that it is far easier to purchase with leniency the testimony of accomplices against their confederates than to build a case against the confederates. When this practice began it was aimed at known criminals against whom evidence was lacking. But once the practice began, it has taken on a life of its own.

Today many innocents are ensnared by untrue accusations from criminal defendants seeking reduced charges by producing more fodder for prosecutors. Less and less does the criminal justice system work by police investigating a known crime and building a case. All too often, the first knowledge of the "crime" occurs when a defendant seeking reduced charges accuses others. In these cases, the accusation is the sole "evidence" of the crime, and prosecutors, who serve career instead of justice, are increasingly destroying innocents with purchased testimony.

A recent example is Khem Batra of Burke, Va. Mr. Batra, a U.S. citizen since 1981 and was successfully operating his own travel agency. His troubles began when the husband of one of his employees approached him for loans to enable him to purchase distressed properties at auction. Soon Mr. Batra found himself in partnership, pooling money to bid on properties. Unbeknownst to Mr. Batra, his sometime partner was illegally obtaining multiple mortgages on the same property. When the partner was

apprehended, instead of being indicted, he was wired and promised leniency in exchange for implicating others.

Mr. Batra was never implicated in the illegal financing schemes, but his partner, desperate to earn his leniency, testified that his money-pooling partnership with Mr. Batra was a conspiracy to under-bid the properties. On the basis of his partner's plea-bargained testimony, Mr. Batra was convicted in federal court of one count of violating the Sherman Anti-trust Act.

It is a definite sign of prosecutorial abuse when the Sherman Anti-trust Act, designed to bust up large monopolies, is applied to a small-time local partnership.

Such a dubious interpretation of the anti-trust statute shows an extraordinary determination to convict. But justice is forfeited when, in addition, the conviction is obtained solely through the purchased testimony of a defendant who committed a real crime and is seeking to reduce his charges.

Until the Glorious Revolution when Parliament established the supremacy of law over the sovereign, kings dealt with enemies by bribing or compelling witnesses to testify against them. Once law and not the king's government was supreme, Matthew Hale established the maxim that testimony purchased with reward has no standing in court.

It is an abomination that the 10th Circuit has enabled unscrupulous prosecutors to resurrect the ancient practice of convicting defendants with paid testimony.

--Paul Craig Roberts

Something to think about...

In 1929, the Soviet Union established gun control. From 1929 to 1953, about 20 million dissidents, unable to defend themselves, were rounded up and exterminated.

In 1911, Turkey established gun control. From 1915 to 1917, 1.5 million Armenians, unable to defend themselves, were rounded up and exterminated.

In 1938 Germany established gun control and from 1939 to 1945, 13 million "undesireables", unable to defend themselves, were rounded up and exterminated

In 1935 China established gun control. From 1948 to 1952, 20 million political dissidents, unable to defend themselves, were rounded up and exterminated.

In 1964 Guatemala established gun control. From 1964 to 1981, 100,000 Mayan Indians, unable to defend themselves, were rounded up and exterminated.

In 1970 Uganda established gun control. From 1971 to 1979, 300,000 Christians, unable to defend themselves, were rounded up and exterminated.

In 1956 Cambodia established gun control. From 1975 to 1977, one million

"educated" people, unable to defend themselves, were rounded up and exterminated.

Defenseless people rounded up and exterminated in the 20th Century because of gun control numbered more than 160 million.

If you question these numbers please look them up. (Rummel's *Death by Government* is good place to start.) The next time someone talks in favor of gun control, ask them "Who do YOU want to round up and exterminate?"

With guns, we are citizens. Without them, we are subjects.

P.S. "Confidence is contagious. So is lack of confidence." -- Vince Lombardi

FBI Trains New Agents on Holocaust

WASHINGTON (AP) - The FBI has begun teaching its new agents how a failure by police to protect citizen rights helped produce the Holocaust in which 6 million Jews, as well as other minorities and political dissidents were murdered by the Nazis.

The training for agents-to-be at the FBI Academy began in June, 2000, announced FBI Director Louis J. Freeh, Sara J. Bloomfield, director of the U.S. Holocaust Memorial Museum and Abraham H. Foxman, national director of the Anti-Defamation League.

"We do this early on in their training ... to remind them of the horror and evil which can result from not just a government, but particularly law enforcement, abandoning its mission to protect people and becoming the engine of oppression," Freeh said.

The trainees are given a guided tour of the Holocaust Museum in Washington and instruction about Hitler's use of the police in Germany in the 1930s and 1940s to round up Jews, political opponents and other targeted groups.

There is a classroom discussion and then trainees must write an essay on the question: "Of what relevance is this history to you as a human being and a law enforcement official?"

After the first session, one student wrote, "It has taught me that making sure our Constitution is strictly followed should be a number one priority throughout my career." Another said: "It will help me remember my greatest duty to preserve human life and protect the civil rights of every man, woman and child."

Bloomfield said, "Much of the Holocaust was perpetrated or supported by trained professionals who were 'doing their job.' The museum's program with the FBI challenges law enforcement

In the beginning of change the patriot is a scarce man, brave, hated and scorned. When his cause succeeds, however, the timid join him, for then it costs nothing to be a patriot. -- Mark Twain

agents to examine the moral dimensions of their professions."

The topic of police complicity in the Holocaust has been a concern of Freeh's for some time. "We must be morally responsible for what we do," Freeh said. "We have to understand and protect not just the people we serve, but the moral and ethical values and human dignities that are so important to us all."

Foxman applauded the FBI's commitment to "law enforcement's critical role as defenders of the Constitution and guardians of individual rights" and said the training "has tremendous potential to impact the next generation of law enforcement leadership."

Ed.: Brave words from Freeh and Foxman, "defenders of the Constitution and guardians of individual rights" -- except for "undesirables" like patriots and the militia -- but what about the "old" FBI employees? Instead of instructing them about a European holocaust maybe they could be reminded of the one in Texas? Or was that just a training exercise?

You have twenty seconds to comply

It's been sixty years since writer Isaac Asimov dreamed up his laws governing robot behaviour. But the message still hasn't sunk in. Researchers in Thailand have developed a robot security guard that comes armed with a gun, and has no qualms about whom it shoots.

Called "Roboguard", the gun-toting sentinel is designed as a cheap alternative to a human guard. It can be ordered to fire at will, or told to check first with a human via a secure Internet connection.

As they appeared in Asimov's science fiction writings in 1940, the laws of robotics were meant to prevent robots from harming people. Roboguard appears to have the potential to flout them all.

The machine was built by Pitikhate Sooraksa of King Mongkut's Institute of Technology in Ladkrabang, Bangkok. It consists of a handgun and a small video camera mounted on a motorised holder that can direct them automatically.

"It has two modes, manual and automatic," says Sooraksa. Using the weapon in manual mode, he can control the gun from a computer anywhere in the world. A laser pointer on top of the gun marks its current target.

For automatic operation, Roboguard is fitted with infrared sensors that allow it to track people as they move. Sooraksa has password-protected the "fire" command for when the robot

is operated over the Internet. "We think the decision to fire should always be a human decision," he says. "Otherwise it could kill people."

This doesn't reassure Kevin Warwick, a cyberneticist at Reading University who has long warned of the dangers of robots gaining too much power over human beings. "Things can always go wrong," he says. You can never allow for all eventualities. "We need to think about introducing laws like Asimov's, but even then robots will find ways to get round them."

Other researchers were equally concerned about Roboguard. "I find this quite horrific," says Chris Czarnecki of the Centre for Computational Intelligence at De Montfort University in Leicester. "What about time delays across the Internet when it's busy? What you'll be seeing and what the gun's pointing at will be two different things. You could end up shooting anything."

Czarnecki also suspects the robot's tracking system might be error-prone. "If the tracking's infrared, what happens when the sun comes out? It's a big source of infrared radiation."

At the moment, Roboguard is tooled up with nothing more powerful than an air gun. To test its accuracy, Sooraksa pinned balloons to the walls and took potshots at them from a computer. "It's very similar to a real gun," he says. It could easily be upgraded to a more powerful weapon such as a machine gun, he adds.

Sooraksa says Roboguard might be of interest to private companies, but sees the armed forces as a more likely buyer. "We'd like to show it to the military," he says. "It should be in good hands."

The current, static version of Roboguard could be just the start. Sooraksa hopes to develop his prototype further. "You could make it mobile, it could be designed as a walking system," he says. "We have the technology."

--New Scientist, 02 September 2000

Letter to the Editor

Regarding some quotes from the *NJ Militia Newsletter*, Feb., 2000 AD [as reprinted from a NJ Dept. of Military and Veterans Affairs publication]:

"The (New Jersey) Naval Militia will be composed of three battalions... The first battalion will be Navy, Marine Corps and

Coast Guard Reservists..."

Now let's consider what the Uniform Code of Military Justice says:

"(a) The following persons are subject to this chapter: (1) Members of a regular component of the armed forces... (3) Members of reserve components while on inactive-duty training..." (UCMJ, Title 10 US Code, Sec 802)

Let these facts be presented to a candid world. Under the 5th amendment of the Constitution armed militia members retain all their constitutional rights as long as they are not in paid government service. The 5th amendment has never been repealed. It means the same today as it did when it was ratified in 1791.

The so-called N.J. Naval "militia" ain't! All Reservists come under the UCMJ, and therefore they cannot constitutionally be called MILITIA. Reservists receive pay for their SERVICE every time they turn out for training. MILITIA members do not. A militia person could turn out for training for 30 years, bearing his U.S. Supreme Court-approved firearm -- (i.e. a firearm "which is any part of the ordinary military equipment... These [militia]men were expected to appear bearing arms supplied by themselves and of the kind in common use at this time [U.S. v. Miller, 307 US 174, 178, 179]) -- and never ONCE lose his constitutional rights. This is not true of any "pseudo-militia" Reservist. For them there is no 5th amendment right.

To repeat, a true MILITIA member under the 5th Article of the Bill of rights retains ALL their constitutional rights, including their militia approved firearms, until they are "employed in the Service of the United States" (Art. 1, Sec. 8, Clause 16) at which time they come under the UCMJ. You cannot call reservists, who are subject to the UCMJ, the "militia". This is fatal to one's position, in an argument with the Constitution. Yours,
D.S., Massachusetts

* * *

"The exercise of despotic power is the unrelenting war of an armed tyrant upon his unarmed subjects." -- Cato's Letters -- # 25; April 15, 1721, John Trenchard and Thomas Gordon, editors

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ISSN 1523-4657

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"FORMER PROSECUTOR ATTACKS MILITIA FOR POLITICAL GAIN"

Endangers We the People

A thank you to peace officers for ignoring unlawful enforcement scheme

During the last election a former Union County prosecutor running for Congress littered the airwaves with the narcissistic boast that he took on the "extremists of the New Jersey militia [who] singled him out as their enemy."

Well, the men and women of the New Jersey militia would like to set the record straight. First, the former prosecutor declared us his enemy the instant he undermined the principles on which this country is founded. Second, had we challenged him during the campaign his minions would have turned it into a partisan issue by attempting to drive a wedge between people when in fact "We the people" of whatever political party, or none at all, are the militia. As George Mason said, "[The militia] is the whole people except for a few public officials." The former prosecutor, now the Union County manager, is a public official and therefore is not part of the militia. Does he consider the whole of the people his enemy? Apparently so, because he is trying to disarm them, a despotic scheme the founders warned against.

In September 1995 the Union County prosecutor called for "aggressive enforcement" of the assault weapons ban. Because such weapons may be needed sometime in the future to secure our freedom, and because the ban itself violates both the New Jersey and United States constitutions, the New Jersey militia went to police stations in Union County and asked police not to enforce the ban. (Thank you, peace officers, for upholding the law of the land!) In response we received from the prosecutor's office a letter signed by the then-to-be candidate, in which he stated he wore our "warped view of the assault weapons law like a badge on his sleeve." (That's how he "took on" the militia – with twaddle at taxpayer expense.)

Peace officers, are you aware that in February 1996 Superior Court Judge Michael D. Farren upheld the New Jersey militia's "warped view of the assault weapons law" by ruling that the assault weapons ban is unconstitutional as an ex post facto statute void for vagueness?

Did the "political prosecutor" inform you of this ruling? Is the reason why he didn't ask the Attorney General to appeal Judge Farren's decision because he knew the AG would lose, and the unconstitutionality of the assault weapons ban would be known in Union County? Is his ambition so keen that he would advance his career by risking the lives of innocent people? Or does he expect you to engage in misprision by forgetting your duty to arrest anyone acting under color of law?

American peace officers, you are unique! You haven't sworn fealty to a poobah, king, fuehrer, president, governor, mayor, chief, captain, sergeant, prosecutor...or county manager. No! You

(Over please...)

have sworn to defend our Constitutions against enemies foreign and domestic! Remember your oath daily, and never betray it. You are ultimately responsible for your actions before God and man. "I was only following orders" failed as a defense during the Nuremberg trials, when defendants who acted "in the name of the law" were found guilty. Even if exonerated criminal-ly there are civil penalties as well.

Peace officers, history is replete with examples of police being (mis)used by career bureaucrats to promote their own agenda. Beware of wolves in sheep's clothing!

God bless you for defending our constitutions!

"When bad men combine, the good must associate; else they will fall one by one, an unpitied sacrifice in a contemptible struggle." -- Edmund Burke

